

166 - N.M.
181 - Oregon

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Criminal Case No. 99-CR-155-2-S

UNITED STATES OF AMERICA,

Plaintiff,

v.

2. NOVA GUTHRIE,

Defendant.

**PLEA AGREEMENT AND STATEMENT OF FACTS
RELEVANT TO SENTENCING**

The United States of America, by and through the undersigned, Assistant United States Attorney for the District of Colorado, and the Defendant, NOVA GUTHRIE, personally and by her attorney, Daniel Smith, Esq., submit the following Plea Agreement and Statement of Facts Relevant to Sentencing pursuant to D.C.COLO.LCrR 11.1.

I. PLEA AGREEMENT

1. Pursuant to Rule 11 (c)(1) (A) and (B), Federal Rule of Criminal Procedure, the Defendant, NOVA GUTHRIE, agrees to enter pleas of guilty to Count One in Criminal Case Nos. 99CR-155-2-S (District of Colorado), CR03-60085 (District of Oregon) and CR00-0408 (District of New Mexico) respectively, which charge violations of 18 U.S.C. § 2113(a) and (d) (Bank robbery) and 18 U.S.C. § 2 (aiding and abetting bank robbery).

2. The remaining counts of the aforementioned indictments will be dismissed at the time of sentencing as to defendant Nova Guthrie only.

3. Pursuant to Rule 20, Federal Rules of Criminal Procedure, the defendant, her counsel, and U.S. Attorney's offices in the Districts of Colorado, New Mexico and Oregon will execute written consents to transfer Case Nos. CR03-60085 (District of Oregon) and CR00-0408 (District of New Mexico) to the District of Colorado for plea and sentencing.

4. The defendant agrees to fully cooperate with the Government in the prosecution of her co-defendant, Craig Michael Pritchert, for armed bank robbery in the Districts of Colorado, Oregon, New Mexico and Arizona. This cooperation shall include submitting to interviews to be conducted by Special Agents of the FBI and representatives of the U.S. Attorney's offices from Oregon, Colorado, New Mexico and Arizona. The defendant also agrees to provide or permit access to all evidence in her possession and control that is related to the crimes being presently prosecuted. The defendant also agrees to testify truthfully and completely at any judicial proceedings involving Craig Michael Pritchert, if called upon to do so.

5. Based on the foregoing cooperation, the Government agrees to recommend that the defendant receive a -3 level reduction for acceptance of responsibility (U.S.S.G. § 3E1.1) and make no sentencing recommendation other than that she should be sentenced within the applicable guideline range.

6. This plea agreement confirms the entire agreement between the defendant and the United States with respect to the defendant's guilty plea, and no other promises, representations or inducements have been made to the defendant or defendant's attorney.

II. MAXIMUM STATUTORY PENALTIES

The maximum statutory penalties for Count One in the respective indictments are: a maximum of twenty (20) years imprisonment, not more than a \$250,000.00 fine, or both; and a \$100.00 special victim's fund assessment fee on each count. There may be restitution owing in this case which will be determined by the Court. In addition, the Defendant may be subject to not more than five ^{three (3)} years supervised release after completion of his prison sentence.

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III. STIPULATION OF FACTUAL BASIS AND FACTS

RELEVANT TO SENTENCING

The parties agree that there is no dispute as to the material elements which establish a factual basis for the offense of conviction.

Pertinent facts are set out below in order to provide a factual basis of the plea and to provide facts which the parties believe are relevant, pursuant to §1B1.3, for computing the appropriate guideline range. To the extent the parties disagree about the facts relevant to sentencing, the statement of facts identifies which facts are known to be in dispute at the time of the plea.

In determining the factual basis for the sentence, the Court will consider the stipulation of the parties and the results of the presentence investigation by the U.S. Probation Office, together with any other relevant information that may come to the Court's attention. The parties agree that the Government's evidence would show that the bank robbery offenses were committed on October 31, 1997 (Durango, Colorado), March 17, 1998 (Aztec, N.M.) and February 19, 1999 (Bend, Oregon).

STATEMENT OF FACTS

Based upon an extensive investigation by the FBI with the assistance of state and local law enforcement agencies in Durango, Colorado, Aztec, New Mexico and Bend, Oregon it was determined that Craig Michael Pritchert, with the assistance of the defendant, Nova Guthrie, committed bank robberies in the aforementioned locations. On March 4, 1999, Guthrie agreed to cooperate with the FBI and U.S. Attorney's Offices in the respective jurisdictions. Guthrie admitted that she assisted Pritchert in the bank robberies described below. However, shortly thereafter Guthrie chose to rejoin Pritchert and remained a fugitive along with Pritchert until their arrest in South Africa in August of 2003.

Durango Bank Robbery

1. On Friday, October 31, 1997, the Bank of the Southwest located at 848 East 2nd Avenue, Durango, Colorado, was robbed. This bank was insured by the Federal Deposit Insurance Corporation (FDIC). One male entered the bank's front door just before the 4:30 p.m. closing time, waving a dark-colored semi-automatic handgun. The male was described by the two victim tellers, as being a white male in his mid-20's, 5' 10" tall, slender build, whose face was fully covered by a clear plastic mask. Due to clothing worn, further identifying features were not visible. The male carried a portable radio, and one victim teller believed she heard the male communicate with a female over the radio.

2. The first male let a second male into the bank via a side door. This second male also wore a clear full-face mask, and was similar in physical description to the first male. The second male's hair was described as being very short on the side, and possibly blonde in color. The first male ordered the tellers not to set off any silent alarms. The robbers ordered the victim tellers to open the safe. The robbers removed approximately \$64,200.00, placing the money in a maroon daypack carried by the first male. The robbers did not take any money from teller drawers located in the front of the bank, nor from teller drawers located in the safe area. They left behind a few stacks of one dollar and five dollar bills on top of the safe. Both victim tellers were bound at their wrists and ankles by the robbers, utilizing black wire ties they had brought with them. The robbers then left via the side door, and the tellers heard engine noise as a vehicle drove away outside.

3. On Monday, November 3rd, 1998, a bank customer told Durango Police officers that she had attempted to enter the front door of the bank at approximately 4:30 p.m. on Friday, October 31, 1997. She found the front door locked, and saw two men inside the bank, each wearing clear plastic masks. The men walked from the back area of the bank and exited via the side door. The Customer walked to the north side of a car which was parked at the rear of the bank on the north side. The customer thought she saw a woman driving the car, which then left eastbound towards the alley. She only viewed the vehicle from the rear, and described it as a 70's vintage small car with a low back, brownish-colored and dirty. However, investigation by the FBI and Durango Police Department at Durango, Colorado, from November 1997 to March 1998 failed to yield any positive information as to the identity of these robbers.

Aztec, New Mexico Bank Robbery

4. On March 17, 1998, the Bank of America, located at 422 North Main Street, Aztec, New Mexico was robbed. This bank is insured by the FDIC. Aztec, New Mexico is located approximately 40 miles south of Durango, Colorado. A lone robber walked up to two victim tellers as they were approaching the back door of the bank at approximately 8:30 a.m. The robber was described as a white male in his mid-20's, 5' 10" tall, 170 pounds, with light brown hair, which was very short on the sides. He had some sort of portable radio in the black leather bag he carried, with an earpiece in his ear. He wore a clear plastic full-face mask, and

was dressed in an olive green suit. He pointed a revolver-type handgun at the women, and ordered them to open the bank. He further instructed them to reset the opening alarm, to not set off any other alarms, and to open the vault and safe. A third employee arrived at the back door during this time, and was ordered into the bank. The robber took approximately \$47,000.00 in cash from the safe, but declined to take stacks of one dollar bills or take any money from teller drawers. All three victim employees were bound at the wrist and ankles with black wire ties the robber brought with him. He then left the bank through the rear door.

5. The victim tellers recalled seeing a small blue hatchback-style vehicle parked in the rear of the bank at the time they were approached by the robber. This vehicle pulled up closer to the back door when they were being forced into the back area of the bank. One teller described the vehicle's driver as a female who was short in stature, who had short dark unkempt hair. This female also wore a clear plastic mask.

6. On 3/17/98, a witness reported seeing a small blue vehicle drive into a remote location less than a mile from the Bank of America at approximately 8:45 a.m. As the witness watched from a distance, two people got out of the blue vehicle and left it parked in a semi-hidden location behind a dirt hill. They then got into a brown-colored older model Chevrolet Blazer or similar vehicle, and drove away with a third individual.

7. The blue vehicle the witness observed was a Subaru station wagon with a sloped back, which had the Vehicle Identification Number (VIN) plates removed from the dashboard and driver's door. Investigators located the VIN on the vehicle's engine block, and traced the car back to a previous owner in Cheyenne, Wyoming.

8. On March 19, 1998, the previous owner of this 1980 blue Subaru, was interviewed by FBI Agents in Cheyenne, Wyoming. The owner advised that on the evening of 2/23/98 he received a telephone call from a male who was staying at the Plains Hotel in Cheyenne. The male had seen the "for sale" sign in the car's window, and wanted the owner to drive the vehicle to the hotel, which he did. The male was described by the owner as white, 5'10" tall, with a slender build. The male's hair was extremely short of the sides, and he wore a baseball cap. The owner noticed that the male was with a female, described only as being white, 5' to 5'4" tall, with short dark-colored hair. The male purchased the vehicle for \$900.00 in cash.

9. Investigation conducted at the Plains Hotel in Cheyenne by the FBI revealed that the telephone call which was placed to the car's owner on 3/23/98 was made from room 321. On that night, that room was rented to two people in the name of NOVA GUTHRIE, address of number 7, County Road 2980, Aztec, New Mexico 87410. Investigation revealed that NOVA ESTER GUTHRIE has a date of birth of 6/6/73. She is 5'4" tall, and has a slender build and short dark brown hair. NOVA GUTHRIE's brother, GERALD GUTHRIE, and Gerald's wife, CHERYL GUTHRIE, reside at the Aztec address listed on the hotel registration. NOVA GUTHRIE had been known to utilize her brother's address for several different purposes.

10. NOVA GUTHRIE's New Mexico driver's license (#107164383, valid until 7/99) listed her address as 607 Smith Lane, Bloomfield, New Mexico. Interviews conducted with various individuals, including CHERYL and GERALD GUTHRIE, revealed that NOVA GUTHRIE was living in Bloomfield, New Mexico (approximately 10 miles south of Aztec, NM) during the summer and fall of 1997, while she worked for her brother in his vacuum sales business. NOVA began dating a male originally identified only as "Josh" during the fall of 1997. "Josh" was described as a white male in his mid to late 30's, who is approximately 6' tall and has a slender, lean build, appearing younger than his age.

11. Investigation conducted by FBI Agents in the Aztec, New Mexico area led to the identification of "Josh" as CRAIG MICHAEL PRITCHERT, DOB 2/13/61. PRITCHERT utilized several false names and dates of birth. PRITCHERT is a white male, 6' tall, 180 pounds, with blonde hair and blue eyes. PRITCHERT has one conviction for armed bank robbery out of Las Vegas, Nevada in 1990. He served five years in prison on that charge in the Federal Correctional Institute in Phoenix, Arizona, and was released in June of 1996.

12. PRITCHERT was wanted for armed bank robbery for the August 13, 1997 robbery of a Norwest Bank in Scottsdale, Arizona. In that robbery, a lone robber wearing a stocking mask and baseball cap took money from the teller drawers while exhibiting a small black pistol. PRITCHERT was identified in that robbery due to the fact that he had unwittingly taken a tracking device secreted in some of the money taken from the teller drawers. The tracking device lead police immediately to a vehicle owned by PRITCHERT. This vehicle contained some of the stolen money, the tracking device, clothing which matched what the robber wore, and a wallet containing PRITCHERT's Arizona driver's license and other identification.

13. On March 23, 1998, the FBI interviewed the owner of B&H Pawn Shop, 644 East College Avenue, Durango, Colorado the owner provided a copy of their ticket #033123 which indicated that on 10/31/97 at 12:21 p.m. a Magnavox portable CD player was sold to the

shop for \$15.00 cash. As a routine part of every transaction, B&H employees document photo identification on everyone who sells or pawns an item. This ticket indicates that the item was sold to the shop by NOVA GUTHRIE, who exhibited New Mexico driver's license number 107164383, which listed her address as 607 Smith Lane, Bloomfield, NM 87413. The form further identified her as being a white female with a DOB of 6/6/73, 5'4" tall, 140 pounds, brown hair and brown eyes. NOVA GUTHRIE's signature appears on the ticket.

14. Through records checks, on April 2, 1998, Durango Police Department Detectives discovered that a 1977 Oldsmobile Cutlass, 2-door, had been found parked and abandoned in a city parking lot, in the 700 block of East Second Avenue, just one block south of the Bank of the Southwest. The vehicle was ticketed on Tuesday, November 4th, 1997 (four days after the Durango robbery), and towed on November 5th, 1997. The vehicle had both the

dashboard and the driver's door VIM plates removed. Investigation by Durango Police Department Detectives revealed a VIN on the engine block of that vehicle. The vehicle is predominantly gray in color, with several areas, including the very rear portion, being painted a reddish-brown color. The vehicle also has a small reddish-brown landau roof.

15. Utilizing that VIN, the FBI determined that the 1977 Oldsmobile had last been owned by an individual from Aztec, New Mexico. The owner advised that he placed a "for sale" sign in the window of the vehicle and parked it in a vacant lot in Aztec in late September, 1997. On October 4, 1997, the owner found a message on his answering machine from a male who wanted to purchase the vehicle. The male left a telephone number with a Bloomfield, NM prefix ("632"). The owner returned the call to the male, and, accompanied by his wife, met the male that same evening at the lot where the car was parked. Both the owner and his wife described this person as a white male in his late 30's or early 40's, tall with a slender build, with short brown hair, and wearing wire-framed glasses. A female had driven the male to the lot, but the witnesses did not get a good look at her. The male purchased the vehicle for \$500.00 cash, and both the male and female drove away.

16. On April 28, 1998, the FBI interviewed employees of the Super 8 Motel, 20 Steward Drive, Durango, Colorado, and obtained records from that motel. Folio #83345 indicates that NOVA GUTHRIE, who listed an address of 59552 Hwy. 50 East, Boone, Colorado, stayed at the hotel the nights of October 29 and 30, 1997, departing on October 31, 1997 (The Boone, CO address is that of NOVA GUTHRIE's mother). GUTHRIE paid in cash for the room up front, and indicated that two people were staying in the room. Hotel records further reflected that on 10/31/97 at 10:14 a.m. a telephone call was placed from GUTHRIE's room to telephone number 382-0111, which is the number to the Bank of the Southwest, 848 East Second Avenue, Durango, Colorado. GUTHRIE'S signature appears on the registration card.

17. The signatures of NOVA GUTHRIE found on the 10/31/97 B&H Pawn Shop ticket and the 10/29/97 Super 8 Hotel registration, and found them to appear to be the same as the signature on NOVA GUTHRIE's Washington state driver's license, #GUTHRNE275LF, which was issued on 11/18/97.

18. On March 24, 1998, NOVA GUTHRIE's sister-in-law told FBI Agents that NOVA had telephoned her residence in Aztec, N.M. the preceding weekend. CHERYL GUTHRIE stated that she answered the phone and knew that the person calling was NOVA. CHERYL stated she immediately handed the phone to her husband, GERALD GUTHRIE, who proceeded to tell NOVA that FBI Agents had been at his house looking for her, and wanted to talk to her about the bank robbery in Aztec, N.M. According to CHERYL, NOVA then immediately hung up the phone. A criminal complaint and arrest warrant charging GUTHRIE with participating in the Durango bank robbery was subsequently issued and the defendant and Pritchert were then considered fugitives. However, on March 2, 1999, GUTHRIE surrendered to the FBI in Denver and agreed to cooperate. During an extensive debriefing, GUTHRIE described

in detail her participation with Pritchert in the Durango and Aztec bank robberies as well as a third robbery in Bend, Oregon. At a later date Guthrie made contact with Pritchert, reunited with him and began an odyssey of travel under assumed names, residing for short periods of time at various locations in North and Central America and Europe before being arrested in South Africa

Bend, Oregon Bank Robbery

19. On February 19, 1999, at approximately 5:57 p.m., a white male (later identified as Craig Michael Pritchert) entered the Klamath First Federal Bank, 475 Windy Knolls Drive, Bend, Oregon armed with a semiautomatic handgun. Present in the bank were the Bank Manager, Operations Officer, and a teller. Pritchert ordered the Manager to lock the front doors of the bank and ordered the Operations Officer to draw the shade at the drive-up window. He then ordered the Operations Officer to open the vault and escorted them into the vault. The Operations Officer then opened the door to the cash vault and began to fill a tan canvass bag, which had been handed to her by the teller. Pritchert ordered the Manager to his knees with his ankles crossed and his hands behind his back. He instructed the teller to secure the Manager's hands and feet with flex ties which he provided. He then ordered the teller to kneel beside the Manager and restrained the teller in a similar fashion. The Operations Officer finished filling the bank bag with large denominations which Pritchert had demanded. When she told him it was full, Pritchert pulled a bag similar in color and cloth to the bank's bag from under his jacket and handed it to her. She filled this bag and was ordered to kneel just behind the others. Pritchert secured her in a similar fashion and then tightened the plastic restraints of all three victims. Pritchert then picked up the two bank bags and fled through a side door, with \$120,000.00 in cash. The victims were able to free themselves, lock the side door, trip the bank alarm, and call 911.

20. On March 9, 1999, a Special Agent from FBI, Denver, telephonically advised the FBI Agent investigating the Bend, Oregon bank robbery of Nova Esther Guthrie's surrender and confession to several bank robberies, which she participated in with Craig Michael Pritchert. A federal arrest warrant had been previously issued for Guthrie for the robbery on October 31, 1997 of the Bank of the Southwest, Durango, Colorado. With regard to the robbery of Klamath First Federal Bank, SA Castro advised the Oregon agent that Guthrie provided the following information:

21. In December of 1998, in Los Angeles, California, Pritchert started buying supplies to be used in a bank robbery. The supplies were similar to the ones he had used in other bank robberies, to include masks, police scanners and disguises. Pritchert and Guthrie drove to Oregon staying in Grants Pass at a Super Eight Motel for several days. They visited Mt. Bachelor in Bend, Oregon in December, 1998; just before Christmas. They stayed at a Super Eight Motel and started looking into renting a townhouse. They found one in Bend, Oregon, which they rented and moved into December 31, 1998.

22. Pritchert had with him a dark colored, semiautomatic handgun. He obtained the handgun through newspapers in Texas, prior to leaving Houston, Texas. While staying in Bend, Oregon, they snow boarded at Mt. Bachelor and Pritchert traded stocks on his laptop computer over the Internet. For the next couple of weeks, Pritchert talked about robbing banks. They talked about the bank in Bend, Oregon, on Highway 20, across from a big shopping area by a Safeway, Barnes and Nobel Bookstore, and a Costco. The name of the bank was Klamath Bank, a two-story looking building. Pritchert told Guthrie that he had been looking at the bank for approximately two months.

23. In February, 1999, Pritchert started making preparations to rob the bank. He started purchasing a scanner, two walkie talkie radios, a handgun, a wig with a latex mask of an older man attached to it, with gray hair. Pritchert purchased gloves and a green ski jacket.

24. After he acquired these items, Pritchert advised Guthrie that he needed to travel to Los Angeles, California. He was going to have a friend bring his Subaru car from Houston, Texas to Los Angeles, California. From Los Angeles, Pritchert planned on driving the Subaru to Bend, Oregon.

25. Guthrie drove Pritchert to Portland, Oregon where he flew on a commercial flight to Los Angeles. Pritchert was gone approximately three days. After about one and one-half days, Pritchert telephonically contacted Guthrie at the town home. He advised her that he would return with the Subaru in the very near future. Shortly thereafter, Pritchert arrived at the town home in Bend with a silver colored Subaru which had Texas license plates.

26. The night before the bank robbery (Thursday night) Pritchert told Guthrie of the bank robbery plan. The plan was to have Guthrie drive Pritchert in the Subaru to the Timbers Bar in Bend, Oregon near the bank. They planned on parking two blocks away. Guthrie would have one walkie talkie and Pritchert the other. They were going to keep all communication on the radios.

27. The day of the robbery, Friday, February 19, 1999, Guthrie drove the Subaru and dropped Pritchert off at approximately 5:50 p.m. at the Timbers Bar. Before Pritchert left the vehicle, she watched him put on the wig, mask with gray beard and mustache, and green jacket. He was carrying a small white canvass bag. After Pritchert left the vehicle, she parked by the bar. She waited about five minutes. Suddenly Pritchert walked back to Guthrie and got in the Subaru. They drove back to the townhouse. At the townhouse, Pritchert counted approximately \$120,000.00 which was stolen during the robbery. Pritchert then burned the police scanner, wig, zip ties, and ski jacket in the fireplace. The next day Pritchert got rid of the radios.

28. On April 5, 1999, the case agent (FBI, Denver) learned that on April 3, 1999, while Guthrie was residing with her sister in Cheyenne, Wyoming, she disappeared. On April 4, 1999, her sister's truck, which Guthrie was driving, was found abandoned on I-80. outside of Cheyenne, Wyoming.

29. On March 11, 1999, Oregon case agents received information that an individual had placed an advertisement for a town home on Northeast Lotus in December of 1998.

30. On March 11, 1999, the owner provided a Consent to Search for the town home which she owned on Northeast Lotus, Bend, Oregon. A search was conducted of that location by the case agent and detective from the Bend Police Department, a latent fingerprint examiner from the Oregon State Police and a forensic scientist from the Oregon State Police. Investigators had located partially burnt flex ties and pieces of burnt latex in the wooden stove of the town home. The latent print examiner located a fingerprint which he later identified as belonging to Craig Michael Pritchert on a toaster in the condominium. The owner of the town home identified the photographs, provided by the FBI Denver, of Nova Esther Guthrie, whom she knew as Alex Santini and Craig Michael Pritchert, whom she knew as Wil Hicks, as the individuals who had rented the town home from her.

31. On March 11, 1999, the detective with the Bend Police Department was provided by the owner a two month rental agreement for the town home located on Northeast Lotus in the name of Wil Hicks and Alex Santini. Pritchert had told the owner he was expecting a vehicle title from Texas for his BMW. Pritchert asked the owner to forward the vehicle title to an individual who resided at Northwest Pickett Court, Bend, Oregon. The owner had received the title to that vehicle approximately one week earlier and had forwarded it to the Pickett Court address.

32. On March 15, 1999, SA Castro, FBI Denver, advised that Guthrie had confirmed that Pritchert and the resident at Northwest Pickett Court were friends. Based upon the investigation in Bend and the information provided by FBI Denver, a local search warrant for the residence was secured by the Bend Police Department.

33. On March 17, 1999, the search warrant secured by the Bend Police Department was executed at 2720 Northwest Pickett Court, Bend, Oregon. During the search it was determined that the resident and her daughters had left that morning to vacation in Puerto Vallarta, Mexico. Recovered by a detective of the Bend Police Department, was the Texas vehicle Certificate of Title for a 1984 BMW, license number HXR83M, the owner Brent Hicks, 1328 Post office Street, Galveston, Texas 77550. Brent Hicks was one of the aliases used by Craig Michael Pritchert. The owner later voluntarily provided photographs of Guthrie and Pritchert.

34. On March 12, 1999, The United States Postal carrier for Northeast Lotus, Bend, Oregon told investigators she had seen a BMW with Texas plates at the Golds Gym on Percell Road in Bend. She was aware of the identity of the vehicle as she is the carrier for Northeast Lotus.

35. On March 12, 1999, detectives from the Bend Police Department contacted the Golds Gym Membership Department. They determined that a membership in the name of Wil

Hicks, using a date of birth of August 9, 1962, was taken out from December 24, 1998 to February 24, 1999. Listed as an additional applicant was Alex Santini.

36. On March 8, 1999, SA Michael Castro advised that Nova Esther Guthrie had stated that a silver Subaru with Texas license plates was used in the robbery of Klamath First Federal Bank. On March 16, 1999, detectives from the Bend Police Department observed a silver Subaru with Texas license plates, C04WGZ, near Third and Northeast Franklin, Bend, Oregon. The driver of this vehicle was identified.

37. On March 16, 1999, detectives from the Bend Police Department and an FBI agent interviewed the driver at the Bend Police Department. She told investigators she worked for Mt. Bachelor as a waitress at the main lodge. She met Wil Hicks (Pritchert) and Alex (Nova Guthrie) while she was working.

38. She advised that she had become friends with Pritchert and Guthrie and on February 21, 1999, they offered to her a Subaru which they advised they would not be able to take with them when they left the Bend area. Guthrie gave her the title to the Subaru, but did not give her the keys as they told her they were going to have work done on the vehicle before they gave it to her. On February 22, 1999, she received a telephone call from Pat's Auto Import Clinic, Bend, Oregon, to give her an estimate for the repair of the vehicle.

39. On February 23, 1999, she met with Pritchert and Guthrie at the Royal Blend Coffee House. Pritchert gave her \$340.00 in \$10.00 bills to pay for the vehicle repairs.

40. On March 18, 1999, investigators contacted the Chief of Mt. Bachelor Ski Resort Security, at Mt. Bachelor. He located season passes for Brent Hicks and Alex Santini. He provided the season ski pass application from Brent Hicks (Pritchert) and Alex Santini (Guthrie). The address on the application was listed on Northeast Lotus. He printed out duplicate ski passes including photographs of Hicks and Santini. Those photographs match the photographs previously provided by FBI Denver Field Office.

IV. STIPULATION OF RELEVANT SENTENCING FACTORS

The parties stipulate that sentencing in this case will be determined by application of the sentencing guidelines, issued pursuant to Title 28, United States Code, Section 994(1), and Title 18, United States Code, Section 3553.

If the parties disagree about sentencing factors, the computations below identify the factors in dispute. USSG § 6B1.4(b).

- A. The base Offense Level for Count One in Case No. 99-CR-155-2-S would be 20 pursuant to § 2B3.1 of the Sentencing Guidelines. FT
- B. The following specific offense characteristics would likely apply; §§ 2B3.1(b)(1), 2B3.1(b)(2)(C), 2B3.1(b)(4)(B) and 2B3.1(b)(7)(B). FT
- C. There are not any other 1) victim-related, 2) role-in-offense, and/or 3) obstruction adjustments.
- D. The adjusted offense level would therefore be 31.
- E. Under the Grouping instructions of U.S.S.G. §§ 3D1.2 and 3D1.4 the two other bank robberies charged in Count One in Case Nos. CR-03-60085 (District of Oregon) and CR-00-0408 (District of New Mexico) would result in a combined offense level of 34.
- F. The parties believe that the defendant may be eligible for a -3 level adjustment for acceptance of responsibility (§3E1.1(a) and (b)). If applied, the resulting offense level would, therefore, be 31.
- G. The career offender/criminal livelihood adjustments do not apply.
- The parties understand that the stipulation regarding criminal history of the Defendant is tentative, and that the criminal history category will be completely and accurately determined by the Probation Department.
- Additional facts regarding the criminal history can greatly affect the final guideline range. Based on present information, if no other information were discovered, the Defendant's Criminal History Category would be a I.

H. The guideline range resulting for the offense level of 31 above, and the Criminal History Category of I above, is 108 to 135 months imprisonment. However, depending on the final calculation of the Defendant's criminal history category, the sentencing range for offense level 31 ranges from 108 months (bottom of Criminal History Category I) to 235 months imprisonment (top of Criminal History Category VI).

Pursuant to Guideline §5E1.2, assuming the offense level of 31 above, an appropriate fine range for this offense is \$15,000-150,000.00.

In addition, the Defendant is subject to the mandatory crime victim's fund fee. Finally, the Defendant may be subject to imposition of a term of supervised release, an order to pay restitution, and/or an order to pay costs of imprisonment and/or supervision.

**V. REASONS WHY THE SENTENCING RANGE RESULTING FROM
THE PLEA AGREEMENT IS APPROPRIATE**

The parties believe that it is appropriate for the Court to accept the above-described plea of guilty in this case, which results in the above-described guideline range(s), because the plea agreement takes into account the appropriate guideline and relevant conduct.

Finally, it is understood that both parties reserve the right to file a statement in opposition to the Probation Department's presentence report, as provided in §6A1.2(a).

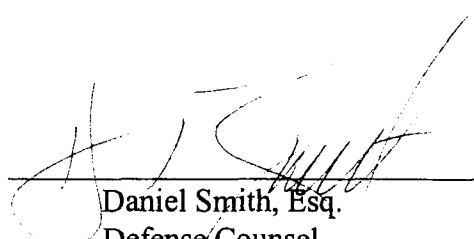
MAR 31st 2004

Date Signed

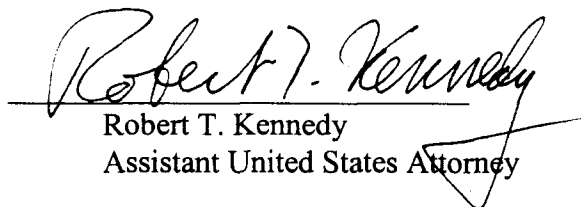
Nova Guthrie

Nova Guthrie
Defendant

3/31/04
Date Signed


Daniel Smith, Esq.
Defense Counsel

March 25, 2004
Date Signed


Robert T. Kennedy
Assistant United States Attorney